

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

TIMOTHY A. ANDERSON,)
)
Plaintiff,)
)
-vs-) Case No. CIV-06-358-F
)
LT. MARK BRUNING, et al.,)
)
Defendants.)

ORDER

On June 14, 2007, United States Magistrate Judge Gary M. Purcell issued a Second Supplemental Report and Recommendation (doc. no. 57), wherein he recommended that the court grant defendant Lt. Mark Bruning's Motion for Summary Judgment and enter judgment in favor of defendant Lt. Mark Bruning as to plaintiff, Timothy A. Anderson's claim of excessive force under 42 U.S.C. § 1983.

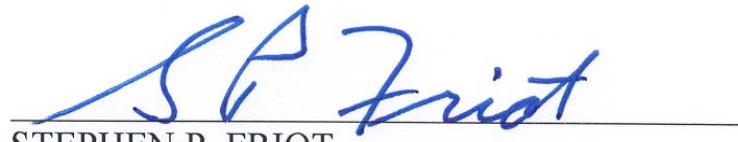
Presently before the court is plaintiff's "Response to Second Supplemental Report and Recommendation," filed July 3, 2007 (doc. no. 58), which the court construes as a objection to the Second Supplemental Report and Recommendation pursuant to Rule 72(b), Fed. R.Civ.P. and 28 U.S.C. § 636(b)(1). The court has conducted a *de novo* review of the matter. Having done so, the court concurs with the analysis and recommendation of Magistrate Judge Purcell. The court finds plaintiff's objection to be without merit. The court shall accept, adopt, and affirm the Second Supplemental Report and Recommendation.

IT IS THEREFORE ORDERED that the Second Supplemental Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell on June 14, 2007(doc. no. 57) is **ACCEPTED, ADOPTED, and AFFIRMED.**

IT IS ALSO ORDERED that Defendant Mark Bruning's Motion for Summary Judgment, filed April 13, 2007 (doc. no. 52), is **GRANTED**.

IT IS ADDITIONALLY ORDERED that, in light of the court's ruling as to the excessive force claim against defendant Lt. Mark Bruning and the court's previous dismissal of all of the other claims by plaintiff alleged in this 42 U.S.C. § 1983 action, judgment shall issue forthwith.

DATED July 23, 2007.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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